



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/819,603

03/29/2001

Gregory W. Easley

59124.000011

4194

7590  
Gregory W. Easley  
718 Broadway  
Apt. 5C  
New York, NY 10003

10/15/2007

EXAMINER

DUFFY, DAVID W

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/819,603

Applicant(s)

EASLEY ET AL.

Examiner

David W. Duffy

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This office action is in response to the amendment filed 08/10/2007 in which applicant amends claims 1 and 11. Claims 1-21 are pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "the one or more remote user systems communicate parameters only to the one or more software game modules" is not supported in the specification as filed.

4. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "the remote user system passing the one or more parameters only to the game module" is not supported in the specification as filed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation, "the one or more remote user systems communicate parameters only to the one or more software game modules". It is unclear how a remote system would be able to communicate with a program running on a server without also communicating with the server. Examiner is interpreting the limitation to mean 'the one or more remote user systems communicate parameters to the one or more software game modules'.

8. Claim 11 recites the limitation, "the remote user system passing the one or more parameters only to the game module". It is unclear how a remote system would be able to communicate with a program running on a server without also communicating with the server. Examiner is interpreting the limitation to mean 'the remote user system passing the one or more parameters to the game module'.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 3714

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 4, 9, 10, 11, 14, 15, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Muir (US 2004/0038740).

11. In regards to claims 1 and 11, Muir discloses a system for providing functionality to remote users at individually addressable systems, the system comprising: one or more servers (fig 7); one or more remote user systems wherein the one or more remote user systems are individually addressable (fig 7); one or more console systems operating on the one or more servers wherein the one or more console systems comprise one or more base functionality modules (figs 1 and 2 and par 12 where the platform code is analogous to the "console system"); one or more software game modules in communication with the one or more remote user systems, the one more software game modules utilizing the one or more base-functionality modules provided by the one or more console systems to provide interactive game content to the one or more remote user systems (figs 1 and 2 and par 12); and at least one application programming interface for the one or more game modules transferring at least one parameter passed by the one or more console systems to the one or more game modules and transferring at least one parameter passed by the one or more game modules to the one or more console systems and wherein the at least one interface further comprises a common interface for connecting additional modules (pars 33 and 34); wherein the one or more remote user systems system; communicate parameters only to the one or more software game modules (fig 4 and par 34); and wherein the

Art Unit: 3714

software game module passes game-specific information to the one or more console systems (figs 3-5).

12. In regards to claims 4 and 15, Muir discloses wherein the base functionality modules comprise one or more of registration module, prize module, email module, notification module, reporting module, and system/error module (par 12, where a kernel is equivalent to a system module).

13. In regards to claims 9 and 20, Muir discloses wherein the interactive game content comprises a real-time event displayed on the remote user system (pars 31 and 35 where it is noted that tampering with the data sent to the machine during play is a concern indicating that the game is played in real time).

14. In regards to claim 10, Muir discloses wherein the remote user system comprises one or more of television, digital television, computer monitor, and wireless device (par 31).

15. In regards to claim 14, Muir discloses wherein the console system is operating at a central server (fig 6).

***Claim Rejections - 35 USC § 103***

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 2-3, 5-8, 12-13, 16-19, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Muir (US 2004/0038740) in view of Rothschild et al. (USPN 6152824).

18. In regards to claims 2-3 5-8 12-13 16-19, Muir discloses that a number of games may be used within the system (par 41). Muir does not explicitly disclose wherein the console system is in communication with one or more multi-player functionality modules.

19. In related prior art, Rothschild discloses a modular online gaming system with multiplayer functionality modules including a lobby module providing chat functions (10:35-64), and a gateway module that includes a list of games (10:42-48). One skilled in the art would recognize the entertainment advantages of allowing player interaction in a gaming environment as well as providing navigation aid through a lobby system to allow players to choose the games they wished to play and the other players with which they wish to play.

20. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Muir in view of Rothschild to have included the multi-player functionalities disclosed in Rothschild to improve the entertainment value of the system and improve the user's ability to navigate the system.

21. In regards to claim 21, Muir discloses wherein the remote user system comprises one or more of television, digital television, computer monitor, and wireless device (par 31).

### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David W. Duffy whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DWD



/Corbett Coburn/  
Primary Examiner  
AU 3714